

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

ROOSEVELT LAWRENCE,

Petitioner,

v.

GREGORY McLAUGHLIN,

Respondent.

7:14-CV-125 (HL)

28 U.S.C. § 2254

ORDER

Before the Court is the Recommendation of the United States Magistrate Judge (Doc. 15) that Petitioner's habeas petition under 28 U.S.C. § 2254 be dismissed. Petitioner Roosevelt Lawrence ("Petitioner") has filed an Objection (Doc. 18) to the Recommendation. After undertaking a *de novo* review of the Recommendation, the Court accepts and adopts it in full.

As the Recommendation sets forth, Petitioner filed his federal habeas petition well after the one-year statute of limitations for doing so had run. The Court will not recite the lengthy history of Petitioner's conviction, appeal, and habeas petition in state court, which has been detailed in the Recommendation, but, suffice to say, Petitioner's state-court conviction became final for the purposes of filing a federal habeas petition on May 31, 2010. See Webster v. Moore, 199 F.3d 1256, 1259 (11th Cir. 2000). Since he did not file his current

federal petition¹ until August 11, 2014, it is clearly too late to be heard by this Court. Nor is there a basis for equitably tolling the statute of limitations because Petitioner has not been diligently pursuing his rights and there is no evidence that some extraordinary circumstance prevented him from timely filing a habeas petition. See Hutchinson v. Florida, 677 F.3d 1097, 1100 (11th Cir. 2012).

After careful consideration pursuant to 28 U.S.C. § 636(b)(1), the Court accepts and adopts the findings, conclusions, and recommendations of the United States Magistrate Judge. Petitioner's § 2254 petition is dismissed.

The Court finds that Petitioner has failed to make a substantial showing that he has been denied a constitutional right, and a certificate of appealability is therefore denied. 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 483–84, 120 S.Ct. 1595, 146 L.Ed.2d 542 (2000).

SO ORDERED, this 13th day of May, 2015.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

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¹ As the Recommendation details, Petitioner initially filed a petition in federal court in July 2010, but this was dismissed without prejudice for failure to exhaust his remedies at the state level.